

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DONALD MONTGOMERY, ANDREW CARTER, LOIS
REID, KARL BECHLER, and "M.M.,"

Plaintiffs,

-vs-

MOTION
SCHEDULING ORDER

GOV. ANDREW M. CUOMO, CMSR. ANN MARIE T. SUL-
LIVAN, CMSR. MICHAEL C. GREENE, SPDT. JOSEPH A.
D'AMICO, SHERIFF VINCENT DEMARCO, EASTERN
LONG ISLAND HOSPITAL,

14-CV-6709-CJS

Defendants.

Siragusa, J. Defendants Andrew M. Cuomo, Ann Marie T. Sullivan, Michael C. Green, and Joseph A. D'Amico ("State defendants"), have requested, by letter dated February 13, 2015, [ECF No. 15](#), an extension of time to file a motion to dismiss, and permission to exceed the local rule on page limits. By letter dated February 17, 2015, [ECF No. 17](#), defendant Eastern Long Island Hospital ("Hospital") joined in the request by the state defendants, and by letter dated February 17, 2015, [ECF No. 18](#), defendant Vincent F. DeMarco ("Sheriff"), has also requested to join in the state defendants' application.

At a conference held on January 29, 2014, the Court directed that Plaintiff file an amended complaint by February 2, and that Defendants file and serve a motion to dismiss by February 23. Plaintiff filed an 82-page¹ amended complaint on February 2, adding three additional plaintiffs, alleging the following causes of action: (1) violation of the right to privacy; (2) violation of the Equal Protection clause; (3) violation of the Due Process clauses; and (4) violation of the Second Amendment.

¹ The Court notes that the Federal Rules of Civil Procedure direct, "that a pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief. . . ." Fed. R. Civ. P. 8(a)(2).

The State defendants and Hospital now seek an additional week to file their motion to dismiss, and 20 additional pages for their memoranda of law. Plaintiffs oppose the request, [ECF No. 16](#), but in the alternative, ask that any extension to file a motion to dismiss be tied to a concurrent requirement to respond to Plaintiff's motion for injunctive relief, [ECF No. 3](#). Pursuant to Federal Rule of Civil Procedure 6, and L.R. Civ. P. 7, it is hereby

ORDERED, that Plaintiff's request that an extension to file a motion be tied to a requirement to respond to the motion for a preliminary injunction, is denied; and it is further

ORDERED, that all Defendants shall have until February 27, 2015, to file a motion to dismiss; and it is further

ORDERED, that all Defendants' memoranda of law may exceed the page limitation in L.R. Civ. P. 7 by 10 pages; and it is further

ORDERED, that Plaintiffs shall have until March 13, 2015, to file a response to all Defendants' motions; and it is further

ORDERED, that all Defendants shall have until March 20, 2015, to file a reply to Plaintiffs' memorandum of law opposing Defendants' motion to dismiss; and it is further

ORDERED, that the Court will schedule oral argument if necessary.

IT IS SO ORDERED.

Dated: February 23, 2015
Rochester, New York

ENTER: /s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge